

HB 108 -- LIABILITY OF MENTAL HEALTH PROFESSIONALS

SPONSOR: McCaherty

COMMITTEE ACTIONS: Voted "Do Pass by Consent" by the Standing Committee on Civil and Criminal Proceedings by a vote of 9 to 0. Voted "Do Pass by Consent" by the Select Committee on Rules by a vote of 7 to 0.

This bill establishes a two-year statute of limitations for actions against a licensed mental health professional for damages for malpractice, negligence, error, or mistake related to health care.

PROPONENTS: Supporters say that the bill simply clarifies that professional counselors are subject to the two-year statute of limitations. When the statute was written in 1976, it included a general statement of who this covered, so this would update the language to include health care providers who we began licensing in the late 1980's. Most case law interpretations hold that these individuals are already covered, and the bill makes it perfectly clear. The intent of the bill is to make clear what statute of limitations applies for purposes of these individuals knowing how long to maintain their malpractice insurance and how long to maintain their records.

Testifying for the bill was Representative McCaherty; Dan Holtinghouse; and Missouri Psychological Association.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that it will clear the issue up for professionals who are unsure of how long they must maintain their records and malpractice insurance.

Testifying on the bill was Derrick Goode.